

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

HAROLD RUSHING,

06-CV-1013-BR

Plaintiff,

OPINION AND ORDER

v.

SAIF CORPORATION, an Oregon
public benefit corporation,
and YVETTE BAKER,

Defendants.

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BROWN, Judge.

This matter comes before the Court on Plaintiff's Motion to Remand (#5). For the reasons that follow, the Court **GRANTS** Plaintiff's Motion.

BACKGROUND

On July 17, 2006, Defendants removed this case from Clackamas County Circuit Court to this Court on the basis of federal-question jurisdiction. On July 18, 2006, Plaintiff filed a Motion to Remand.

On July 21, 2006, the Court heard oral argument on the Motion on an expedited basis because the parties have a trial scheduled for July 28, 2006, in Clackamas County Circuit Court, and they intend to proceed to trial on that date if the Court grants Plaintiff's Motion to Remand.

DISCUSSION

For the reasons stated on the record at oral argument, the Court concludes the first-served defendant rule applies under the particular circumstances of this case and, therefore, the Court grants Plaintiff's Motion to Remand.

CONCLUSION

For these reasons, the Court **GRANTS** Plaintiff's Motion to

Remand (#5).

IT IS SO ORDERED.

DATED this 21st day of July, 2006.

/s/ Anna J. Brown

ANNA J. BROWN
United States District Judge